

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**ADJURE BAYNARD,**

**Petitioner,**

**V.**

**ZACHERY REGISTER, *et al.*,**

**Respondent.**

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**NO. 7:21-cv-00112-WLS-TQL**

**ORDER**

Petitioner Adjure Baynard, a prisoner in the Sumter County Correctional Institute in Americus, Georgia, filed a petition for a writ of mandamus. Pet. for Writ of Mandamus, ECF No. 1. Petitioner did not sign this filing, and as a result, he was sent a notice of deficiency directing him that all filings in this Court must be signed. After filing the unsigned petition, Petitioner submitted two notices of change of address, but he did not return a signed copy of his petition for a writ of mandamus. Petitioner was, therefore, ordered to show cause to the Court why this case should not be dismissed based on his failure to file a signed copy of the petition. Order to Show Cause, ECF No. 6.

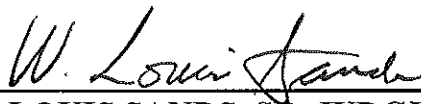
Additionally, because Petitioner had not either paid the \$402.00 filing fee or moved for leave to proceed *in forma pauperis*, Petitioner was ordered to either pay the filing fee or submit a proper and complete motion for leave to proceed in this action *in forma pauperis*. *Id.* Petitioner was given twenty-one days to complete these steps and was cautioned that his failure to fully and timely comply would result in the dismissal of this action. *Id.*

Thereafter, Petitioner filed a signed copy of his motion for a writ of mandamus. He still did not, however, either pay the \$402.00 filing fee or file a motion to proceed *in forma*

*pauperis*. Because Petitioner had taken some steps to keep this action moving forward, he was given one additional opportunity to demonstrate that this case should not be dismissed. Order to Show Cause, ECF No. 9. To that end, Petitioner was again ordered to respond and show cause why the case should not be dismissed based on his failure to comply with the order to pay the filing fee or seek leave to proceed *in forma pauperis*. *Id.* Petitioner was given fourteen days to respond and was cautioned that his failure to do so would result in the dismissal of this action. *Id.*

More than fourteen days have now passed since entry of the most recent show cause order, and Petitioner has not responded to that order. Thus, because Petitioner has failed to respond to the Court's orders or otherwise prosecute this case, the complaint is now **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order." (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))).

**SO ORDERED**, this 18<sup>th</sup> day of January, 2022.

  
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**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**